

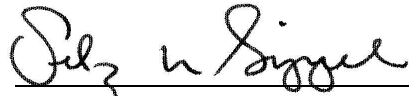
MAK AUTOMATION,)
)
Plaintiff,)
)
vs.) Case No. 4:12CV1809 RWS
)
BEVCORP, LLC,)
)
Defendant.)

This matter is before me on plaintiff's motion to compel. Plaintiff seeks to compel defendant to provide additional answers to discovery that was responded to in **March**. It is now **November**. Discovery has closed, but plaintiff still seems to think this motion is timely because the case management order sets an absolute deadline for filing motions to compel that is eleven days after the close of discovery. Had plaintiff bothered to bring this dispute before me when it arose, its resolution would have likely assisted the parties in the preparation and presentation of their case. As things stand now, I have no idea what plaintiff hopes to achieve by compelling this discovery when there is no further opportunity to do anything with it. Moreover, plaintiff's letter sent on November 7, 2013, does not comply with Local Rule 3.04 which specifically requires attorneys to confer **"in person or by telephone"** in an attempt to resolve their discovery dispute. For its part, defendant has apparently promised to modify and/or produce certain discovery and then just completely ignored its obligation to do so. This is not acceptable. I expect counsel to behave professionally, in accordance with their ethical obligations to provide discovery as agreed, and to resolve this dispute without further Court involvement, as I suspect neither party will be pleased if I have to consider this request again.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [#24] is denied without prejudice.

Dated this 13th day of November, 2013.

A handwritten signature in cursive script, appearing to read "Sippe" followed by a flourish.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE